

ORIGINAL

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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

AUG 14 2006
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 SUE BEITIA, CLERK

Attorneys for Plaintiff
 United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 02-0307DAE
)	
Plaintiff,)	DEFENDANT'S RESERVATION OF HER
)	RIGHT TO ENTER CONDITIONAL
VS.)	PLEAS OF GUILTY TO THE INDICT-
)	MENT RETURNED JULY 11, 2002
LENORA JEAN AITCHISON,)	AND TO APPEAL THE
)	DISTRICT COURT'S ADVERSE
Defendant,)	DETERMINATION OF HER
)	PRETRIAL SUPPRESSION MOTION
)	

DEFENDANT'S RESERVATION OF HER RIGHT TO ENTER
CONDITIONAL PLEAS OF GUILTY TO THE INDICTMENT
RETURNED JULY 11, 2002 AND TO APPEAL THE
THE DISTRICT COURT'S ADVERSE DETERMINATION
OF HER PRETRIAL SUPPRESSION RULING

1. I, Lenora Jean Aitchison, acknowledge that I have been charged in the Indictment returned July 11, 2002 (hereinafter "Indictment") with the following felony crimes:

-Count 1: knowingly and intentionally manufacturing marijuana, to wit: the cultivation and harvesting of one-hundred (100) or more marijuana plants, said offense occurring on or about June 27, 2002 in the District of Hawaii;

-Count 2: knowingly and intentionally possessing with intent to distribute marijuana, to wit: one-hundred or more marijuana plants, said offense occurring on or about June 27, 2002 in the District of Hawaii.

2. I have also previously filed in this case that pretrial "Motion to Suppress All Evidence Seized, All Statements or Defendant and for Evidentiary Hearing" on May 6, 2005 (hereinafter "pretrial suppression motion") and "Motion to Reconsider Order Denying Defendant's Motion to Suppress All Evidence Seized, All Statements of Defendant, and for Evidentiary Hearing" on May 8, 2006 (hereinafter "reconsideration motion").

3. In its written "Order Denying Defendant's Motion to Suppress All Evidence Seized, All Statements or Defendant and for Evidentiary Hearing" entered April 24, 2006 (hereinafter "Suppression Order"), and "Order Denying Defendant's Motion to Reconsider Order Denying Defendant's Motion to Suppress" entered June 14, 2006 (hereinafter "Reconsideration Denial Order"), the District Court denied both the pretrial suppression motion and reconsideration motion, respectively.

4. Pursuant to F.R.Cr.P. 11(a)(2), and with the approval of the District Court and the consent of the Government as indicated below, I hereby give notice of my intent to enter conditional pleas of guilty to Counts 1 and 2 of the Indictment, also expressly reserving my right to appeal those portions of the

District Court's Suppression Order and Reconsideration Denial Order which denied my pretrial suppression motion's request to the suppress the evidence seized from defendant on Fourth Amendment grounds, except for the denial of my request for an evidentiary hearing. I understand that in accordance with F.R.Cr.P. 11, I can withdraw my guilty pleas only if I prevail on direct appeal, that is, the U.S. Court of Appeals for the Ninth Circuit reverses the District Court's Orders on the Fourth Amendment grounds reserved for appeal herein. I further understand that this reservation provided-for herein does not authorize me to collaterally attack the District Court's Order through collateral proceedings such as habeas corpus or 28 U.S.C. 2255 actions.

5. In making this decision to plead guilty, I have had the full opportunity to completely discuss all aspects of this case with my undersigned defense attorney, and I am fully satisfied

with my defense attorney's legal representation in this case.

DATED: Honolulu, Hawaii, July 20, 2006.



LENORA JEAN AITCHISON
Defendant


JACK SCHWEIGERT
Attorney for defendant

GOVERNMENT'S CONSENT TO ENTRY OF CONDITIONAL PLEAS


The Government consents to the entry of the foregoing conditional pleas of guilty to Counts 1 and 2 of the Indictment and to defendant's reservation of her right to appeal the adverse determination of her pretrial suppression motion.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By 
MICHAEL K. KAWAHARA
Assistant U.S. Attorney

DISTRICT COURT'S APPROVAL TO ENTRY OF CONDITIONAL PLEAS

Defendant's foregoing entry of conditional pleas of guilty to Counts 1 and 2 of the Indictment and reservation of her right to appeal the adverse determination of her pretrial suppression motion is hereby approved.


United States Magistrate Judge
District

USA v. Aitchison, USDC-Hawaii Cr. No. 02-307DAE, Defendant's Reservation of Her Right to Enter Conditional Pleas of Guilty to Indictment Returned July 11, 2002 and to Appeal the District Court's Adverse Determination of Her Pretrial Suppression Motion.